



PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Winter, *et al.*

Appln. No.: 09/726,650

Filed: November 28, 2000

For: METHOD FOR TAPPING
THE IMMUNOLOGICAL
REPertoire

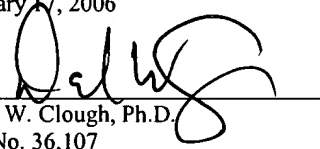
Group Art Unit: 1636

Examiner: James Ketter

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February 17, 2006


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TERMINAL DISCLAIMER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

U.S. Patent Application No. 09/726,650 (the "instant Application") is a divisional application of U.S. Patent Application Serial No. 07/933,958, now U.S. Patent No. 6,291,158. The Scripps Research Institute, Medical Research Council, and Stratagene (collectively the "Owners") are the assignees of record in U.S. Patent No. 6,291,158. The Scripps Research Institute, having a place of business at 10550 North Torrey Pines Road, LaJolla, California 92037, USA, is an owner of record as the result of an assignment from inventor Lutz Riechmann assigning his right, title and interest in U.S. Patent No. 6,291,158 (recorded at the U.S. Patent & Trademark Office on June 30, 1999, Reel 010059, Frame 0519) and also as the result of an assignment from inventor Richard Lerner assigning his right, title and interest in U.S. Patent No. 6,291,158 (recorded at the U.S. Patent & Trademark Office on June 30, 1999, Reel 010059, Frame 0504). Medical Research Council, having a place of business at 20 Park Crescent, London, United Kingdom, WIN 4, is an owner of record as the result of an assignment from

inventor Gregory P. Winter, assigning his right, title and interest in U.S. Patent No. 6,291,158 (recorded at the U.S. Patent & Trademark Office on June 30, 1999, Reel 010058, Frame 0773). Stratagene, having a place of business at 11011 N. Torrey Pines, La Jolla, California 92037, is an owner of record as the result of an assignment from inventor Joseph A. Sorge, assigning his right, title and interest in U.S. Patent No. 6,291,158 (recorded at the U.S. Patent & Trademark Office on June 30, 1999, Reel 010059, Frame 0199).

The owners of the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on co-owned pending reference Application Number 09/726,646, filed on November 28, 2000, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent, granted on the pending reference application, expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is an attorney of record.

The requisite fee in the amount of \$130 under 37 C.F.R. § 1.20(d) should be charged to Deposit Account No. 08-3038. The Commissioner is hereby authorized to charge any additional fees which may be required in this application or credit any overpayment, to Deposit Account No. 08-3038.

Respectfully submitted,

HOWREY LLP

By: 

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Dated: February 17, 2006
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